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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,138	12/01/2003	Jong-nam Park	1793.1089	1205
21171 7590 03/04/2009 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER HALEY, JOSEPH R	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 03/04/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/724,138

Applicant(s)

PARK, JONG-NAM

Examiner

JOSEPH HALEY

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/4/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1.5-7.11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1.5-7.11 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Takaoka et al. (WO02/080155 US Patent 7315491 used as a translation).

In regard to claims 1, 11 and 13 Takaoka et al. teaches determining whether a tracking error signal is generated during driving of a DVD-RAM disc; generating a land/groove signal to discern land tracks and groove tracks of the DVD- RAM disc, wherein the land/groove signal is at a first state when the optical pickup is positioned over the land tracks, the land/groove signal is at a second state when the optical pickup is positioned over the groove tracks, the land/groove signal transits from the first state to the second state or from the second state to the first state, and the optical pickup is positioned over either the land tracks or the groove tracks depending on the state of the land/groove signal (column 6 lines 1-13 and column 1 lines 41-46); determining from which track the tracking error signal has been generated using the generated land/groove signal, in response to the determination that the tracking error signal has been generated; generating a jump signal in response to a state of the land/groove signal varying; moving the optical pickup back by ½ of a track in response to the jump signal (see fig. 5 column 7 lines 20-50); inspecting a quality of an RF of data recorded in

the land tracks in response to data being recorded only in the land tracks; and inspecting a quality of an RF of data recorded in the groove tracks in response to data being recorded only in the groove tracks (column 9 lines 62-67).

In regard to claim 5, Takaoka et al. teaches wherein a microcomputer of the DVD-RAM disc drive receives the land/groove signal and determines from which track the tracking error signal has been generated (fig. 1 element 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Takaoka et al.

In regard to claims 6 and 7, Takaoka et al. teaches all the elements of claims 6 and 7 except the signal levels (Takaoka et al. teaches a Land/Groove signal SLG but does not expressly teach the land or groove levels).

The examiner takes Official Notice that the use of high and low signal is old and well known and would have been obvious to use. The rationale is as follows: At the time of invention it would have been obvious to one of ordinary skill in the art to provide the apparatus of Takaoka et al. with the particular high and low levels of the land/groove signals because it would work equally well in a similar environment as the SLG signal of Takaoka et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH HALEY whose telephone number is (571)272-0574. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph H. Feild/
Supervisory Patent Examiner, Art
Unit 2627

/Joseph Haley/
Examiner, Art Unit 2627